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ABSTRACT

This document summarizes some of the major findings and basic conclusions of a study conducted during the 1973-75 period, the goal of which was to assess the impact of collective bargaining on conflict resolution practices in higher education. The population of institutions operating under collectively negotiated contracts with faculty in September 1973 was matched with a corresponding sample of colleges (for size, level of degree offering, type of control and region of the country) not then operating under negotiated contracts. Both groups were subsequently surveyed to establish: (1) the nature of formal mechanisms used for resolving faculty conflict; and (2) the extent to which these procedures had been used. The most general conclusion reached is that more universalistic and secular principles of conflict resolution are replacing the older more informal norms based on the traditions and values of a shared concept of academic life. Greater and greater emphasis on procedural protection appears in general to be supplanting the mechanisms on consensus, trust, and shared authority as the accepted mode of dispute resolution. (Author/KE)

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RESEARCH SUMMARY #2

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IMPACT OF COLLECTIVE BARGAINING ON CONFLICT RESOLUTION PRACTICES

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At a time of recession and retrenchment few matters harass the university administrator more than the time and emotion required to settle faculty grievances. Are collectively bargained grievance procedures significantly different from those used by non-unionized faculties? Are they more formal and restrictive? Are they complicated by third party (union) interests? Do national unions affect the character of negotiated procedures? What effect will they have on non-unionized campuses? How can campus administrators best respond to these new processes?

Professor Leslie herein shares the results of his extensive research into these and related questions.

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This report will abstract and summarize some of the major findings and basic conclusions of a study conducted during the 1973-5 period, the goal of which was to assess the impact of collective bargaining on conflict resolution practices in higher education. The population of institutions operating under collectively negotiated contracts with faculty in September, 1973, was matched with a corresponding sample of colleges (for size, level of degree offering, type of control and region of the country) not then operating under negotiated contracts. Both groups were subsequently surveyed to establish:

a. The nature of formal mechanisms used for resolving faculty conflict, and
b. The extent to which these procedures had been used.

A full report, including an analysis of methodological and inferential problems encountered is available from the author. The complete data analysis is included in that report.

A. Principal Findings

This section will summarize the major conclusions of the study without attempting to review the data in any detail.

First, collective bargaining agreements seem clearly to introduce more formal, more procedurally detailed conflict management mechanisms to faculty-institution relations. The detailed grievance procedure is a part of virtually all negotiated contracts. Non-contract institutions do not rely as frequently on a similar mechanism; only one-half to two-thirds of these institutions had any formal conflict management device at all.

Second, even where the non-contract institutions rely upon formal grievance (or similar) procedures, there are distinct differences between the forms of the mechanisms from the "bargaining" to the "non-bargaining" sector. These differences can be summarized as follows:

1. Contract grievance procedures are generally more restrictive as to the kinds of issues which can be handled. Control group (non-contract) procedures tend, in contrast, to define the issues which can be submitted in the broadest manner. A contract procedure might limit the scope of grievable issues to "application of the contract," but a non-contract procedure might open the scope of issues to all "disputes."

2. Contract procedures introduce and protect union rights during settlement of individual disputes. Some procedures provide that only the union, and not aggrieved individuals, may pursue a grievance upward through appeal channels. Most frequently, this restriction applies to the arbitration level. In general, union rights include the guarantee that they will be kept informed of all decisions reached and that they may have a right to be represented at all grievance

proceedings. Non-contract procedures are open only to individual faculty (or occasionally to groups of faculty), with no third party interest introduced at any stage.

3. While the most common (model) practice among both sets of procedures was to provide four steps to the grievance hearing and appeals procedure, contract procedures had an average of 4.38 steps and non-contract procedures had an average of 3.56 steps. Contract procedures had as many as eight steps, as few as two; non-contract procedures as many as five steps, as few as two.

4. Contract procedures usually provide for binding arbitration as the final step. Non-contract procedures seldom rely on outside authority (even mediation and advisory arbitration are rare) at the final stage.

5. Non-contract procedures tend to involve faculty in the review of grievances to a greater extent than do contract procedures. Where faculty are involved in grievance reviews, their common role under contract procedures is on a joint faculty-administration panel. Under non-contract procedures there are more purely faculty panels which review grievances.

6. Contract procedures appeared much "tighter" and more specific with respect to time limits, record keeping, hearing procedures and other details.

Third, there were distinct differences within the bargaining sector itself in the forms and practices of conflict resolution. The AAUP appeared to be associated most often with parctices that might best be called atypical of the union mode of labor relations. Specifically, half the AAUP contracts provided for peer review at one or more steps in the grievance procedure. (By contrast, only one fifth of the AFT contracts did so.) Similarly, the AAUP appeared consistently less persistent than other faculty organizations in filing grievances and pursuing them through to aribtration. The other organizations tended to fall between the AFT and AAUP on various measures, although the AFT appeared very reserved in its use of the grievance procedure.

Fourth, use of formal grievance procedures is much heavier at contract institutions than at non-contract institutions. It proved difficult to gather fully reliable data in this area for two reasons:

a. Most institutions keep no records on informal (Step 1) grievances, and

b. Many institutions were at the time of the study keeping no records or informal records concerning grievance processing.

However, our best estimates are that contract institutions experience about 3-4 times as much grievance filing activity, about 7-8 times as much grievance appeal activity, and about 10-20 times

as much arbitration activity as similar non-contract institutions. Clearly the non-contract sector still tends to resolve its disputes at the lower, more informal level.

Finally, the data indicate that although arbitration is commonly provided in contract grievance procedures, it is actually used in rather sporadic fashion. Patterns in our data showed few regularities, but suggest that public multi-campus, doctorate-granting institutions are most likely to experience arbitration (especially where the faculty choose an independent agent.) Baccalaureate-granting, private institutions where the AAUP is the agent would have the lowest likelihood of arbitration.

B. Implications

Clearly, collective bargaining has introduced more formal and more adversary kinds of conflict resolution procedures to faculty-institution relations. Just as clearly, many institutions whose faculty have not yet chosen to enter a collective bargaining relationship are formalizing employment relations also. Thus, what collective bargaining seems to represent is merely the forefront of a wave of change moving over the relations between faculty and institutions of higher education.

The most general conclusion we can reach is that more universalistic and secular principles of conflict resolution are replacing the older more informal norms based in the traditions and values of a shared concept of academic life. Greater and greater emphasis on procedural protection appears in general to be supplanting the mechanisms of consensus, trust, and shared authority as the accepted mode of dispute resolution.

These developments seem to accompany increasing size and structural complexity of colleges and universities, increasing levels of state control, increasing levels of cosmopolitanism and meritocratic values, and increasing acceptance of collective bargaining as a mode of employment relations in certain regions of the country.

The data do contain strong indications, though, that adoption of formal procedures does not mean that increased conflict needs to occur, nor does it mean that informal resolution is no longer possible. We note with great interest, for example, the extent to which arbitration procedures have not been invoked on the majority of campuses where they are available. Undoubtedly, many institutions find it possible to live comfortably and informally with their faculties regardless of the degree to which the relationship is structured by collectively bargained contracts and similar mechanisms.

We suggest several (not necessarily original) principles for sustaining such a comfortable relationship as a conclusion:

1. Wherever possible, work to sustain the values of academic tradition. Mutual respect, sharing of views, objectivity, and acceptance of a central faculty role in the institution's academic and personnel functions seem to be ground floor values critical to the viability of informal relations.

2. Keep dispute resolution to informal procedures, and to the lowest levels of the organization. If the basic fairness and responsiveness of the "system" can be sustained at that level, fewer fundamental struggles over policies, goals, and other basic issues seem likely to emerge.

3. Where a formal procedure is in place, carefully define the issues it is intended to cover. It should not become a "dumping ground" for all generalized dissatisfaction, for no procedure can successfully or meaningfully handle the full range of human discontent. Other means for handling other complaints should be carefully built and affirmatively nurtured. Recognize that having a grievance procedure is not the end in itself - provide opportunities for unstructured pursuit of relief.

4. Respect the integrity of existing procedures. If procedure is in place, it must be made to work properly and efficiently and to the satisfaction of both sides. Subverting a standing procedure can lead to inequities and ultimately to cynacism and distrust.